

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Mortgage Broker License of:

3 **FORTUNE 5 MORTGAGE AND FINANCIAL,**
4 **INC. and JONATHAN R. BURDICK,**
5 **PRESIDENT**

14301 North 87th Street, #312
Scottsdale, AZ 85260

6 Respondent(s)

Case No.: 10F-BD031-SBD

ORDER OF SUSPENSION

7
8 On October 5, 2009, the Arizona Department of Financial Institutions ("Department") issued an
9 Order of Summary Suspension and Notice of Opportunity for Hearing ("Order") in the above-referenced
10 matter. The Order summarily suspended Respondents' license due to their failure to maintain the
11 statutorily required surety bond and advised Respondents that they could request a hearing within 30
12 days of service of the Order to contest the allegations contained in the Order. The Order further stated
13 that if a timely request for a hearing was not received, the Superintendent of the Department of Financial
14 Institutions ("Superintendent") will enter the allegations in the Order as Findings of Fact and
15 Conclusions of Law and will order the suspension of Respondents' license.

16 The Superintendent now makes the following Findings of Fact and Conclusions of Law and
17 enters the following Order.

18 **FINDINGS OF FACT**

19 1. The Order was mailed to Respondents at their last address of record by certified mail,
20 return receipt requested.

21 2. Respondents did not request a hearing on the Order.

22 3. At all material times, Respondents were licensed as a mortgage broker, 0908575, in the
23 State of Arizona.

24 4. Respondent Fortune 5 Mortgage and Financial, Inc. ("FORTUNE 5"), is an Arizona
25 corporation authorized to transact business in Arizona as a mortgage broker within the meaning of
26 A.R.S. §§ 6-901, *et seq.* The nature of FORTUNE 5's business is that of making, negotiating, or

1 offering to make or negotiate loans secured by Arizona real property, within the meaning of A.R.S. § 6-
2 901(11).

3 5. Respondent Jonathan R. Burdick ("Mr. Burdick") is President and 100% owner of
4 FORTUNE 5. Mr. Burdick is authorized to transact business in Arizona as a mortgage broker within the
5 meaning of A.R.S. § 6-903(H).

6 6. Pursuant to A.R.S. § 6-903(J), Respondents are required to have a surety bond in the
7 amount set forth in A.R.S. § 6-903(K), or an alternative as set forth in A.R.S. § 6-903(M).

8 7. On March 30, 2009, the Department received a Notice of Non-Renewal from Accredited
9 stating that FORTUNE 5's surety bond, number 10049456 in the amount of \$10,000.00, was not being
10 renewed effective June 9, 2009.

11 8. On March 30, 2009, the Department sent a letter to Respondents, to the mailing address
12 on record with the Department, via certified mail, informing them of the bond cancellation.

13 9. Respondents failed to provide documentation regarding the reinstatement of their bond or
14 documentation of a new surety bond.

15 10. Respondents do not have the required surety bond in order to conduct business as a
16 mortgage broker.

17 11. The conduct described above constitutes grounds for the suspension of Respondents'
18 mortgage broker license.

19 **CONCLUSIONS OF LAW**

20 1. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and duty to
21 regulate all persons engaged in the mortgage broker business and with the enforcement of statutes, rules,
22 and regulations relating to mortgage brokers.

23 2. By the conduct set forth in the Findings of Fact, Respondents have failed to maintain the
24 surety bond required by A.R.S. § 6-903(J).
25
26

3. Respondents have not conducted business in accordance with the law and have violated Title 6, Chapter 9, which constitutes grounds for the suspension of Respondents' license pursuant to A.R.S. § 6-905(A)(3).

IT IS HEREBY ORDERED THAT Respondents' license is immediately suspended unless and until reinstated or until said license expires by operation of law.

EFFECTIVE this 30th day of November, 2009.

Thomas L. Wood
Acting Superintendent of Financial Institutions

Auto. VA

Robert D. Charlton
Assistant Superintendent of Financial Institutions

ORIGINAL of the foregoing filed
this 30th day of November, 2009 to:

Thomas L. Wood
Acting Superintendent of Financial Institutions
Arizona Department of Financial Institutions
Attention: Susan Longo
2910 North 44th Street, Suite 310
Phoenix, AZ 85018

COPY of the foregoing mailed or hand-delivered this 30th day of November, 2009 to:

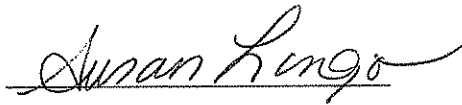
Erin O. Gallagher
Assistant Attorney General
Office of the Attorney General
1275 West Washington Street
Phoenix, AZ 85007

Richard Fergus, Licensing Division Manager
Robert Charlton, Assistant Superintendent
Arizona Department of Financial Institutions
2910 North 44th Street, Suite 310
Phoenix, AZ 85018

1 **COPY** of the foregoing mailed Certified,
2 Return Receipt this 30th day of November, 2009 to:

3 Jonathan R. Burdick, President
4 Fortune 5 Mortgage and Financial, Inc.
5 14301 North 87th Street, #312
6 Scottsdale, AZ 85260
7 Respondent

8 Business Filings Inc.
9 Statutory Agent for Fortune 5 Mortgage and Financial, Inc.
10 2394 E. Camelback Road
11 Phoenix, AZ 85016

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